


ANALYSIS

This ordinance amends Chapter 12.80 of Title 12 - Environmental Protection of the Los Angeles County Code to require registration and inspection of certain commercial and industrial facilities in county unincorporated areas in order to implement stormwater pollutant reduction and control measures. The ordinance also imposes fees for registration, inspection and other related services and makes other minor technical changes.

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JAF:gjv

5/08/06 (requested)

6/8/06 (revised)

ORDINANCE NO. _____

An ordinance amending Title 12 - Environmental Protection of the Los Angeles County Code, relating to the control of pollutants carried by stormwater runoff from industrial and commercial facilities, including fees.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 12.80.032 is hereby added to read as follows:

12.80.032 Automotive dealership.

"Automotive dealership" means a facility that is defined by any one of the following Standard Industrial Classifications: 5511, 5521, or 5551-5599. An automotive dealership includes any automotive service facility located on the same or contiguous property and under the same ownership and management.

SECTION 2. Section 12.80.034 is hereby added to read as follows:

12.80.034 Automotive service facility.

"Automotive service facility" means a facility that is defined by any one of the following Standard Industrial Classifications: 5013, 5014, 5541, 7532-7534, or 7536-7539.

SECTION 3. Section 12.80.148 is hereby added to read as follows:

12.80.148 General Industrial Activity Storm Water Permit (GIASP).

"General Industrial Activity Storm Water Permit" (GIASP) means a general National Pollutant Discharge Elimination System (NPDES) permit that authorizes discharges of stormwater from property used for industrial activities to waters of the United States.

SECTION 4. Section 12.80.238 is hereby added to read as follows:

12.80.238 Person.

"Person" means an individual, association, firm, partnership, public or private corporation, municipality, political subdivision, government agency, or any other legal entity, including the heirs, successors, agents, officers and assigns of such entity.

SECTION 5. Section 12.80.262 is hereby added to read as follows:

12.80.262 Restaurant facility.

"Restaurant facility" means a stand-alone facility where the primary or sole purpose or function of the facility is to provide food or drinks for immediate onsite consumption.

SECTION 6. Section 12.80.264 is hereby added to read as follows:

12.80.264 Retail gasoline outlet.

"Retail gasoline outlet" means any facility engaged in selling gasoline or other motor vehicle fuels, including any automotive service facility located on the same or contiguous property and under the same ownership and management.

SECTION 7. Section 12.80.440 is hereby amended to read as follows:

12.80.440 Littering and other discharge of polluting or damaging substances prohibited.

. . .

C. No person shall cause to be discharged to the storm drain system any ~~pesticide, fungicide, or herbicide~~ substance that is prohibited by the U.S. EPA or the California Department of Pesticide Regulation. Further, no person shall cause to be

discharged to the storm drain system any pesticide, fungicide, or herbicide in concentrations that exceed a water quality objective established by a regional board for that portion of the storm drain system or for any downstream waters.

...

E. No person shall cause the disposal of sanitary or septic waste or sewage into the storm drain system from any property or residence, or any type of recreational vehicle, camper, bus, boat, holding tank, portable toilet, vacuum truck or other mobile source, or for any waste holding tank, container or device.

SECTION 8. Section 12.80.630 is hereby amended to read as follows:

12.80.630 Violation – Penalty.

~~Any person, firm, corporation, municipality or district or any officer or agent of any firm, corporation, municipality or district~~ violating any provision of this chapter shall be guilty of a misdemeanor. Such violation shall be punishable by a fine of not more than \$1,000.00 or by imprisonment in the county jail for a period not to exceed six months, or by both such fine and imprisonment. Each day during any portion of which such violation is committed, continued or permitted shall constitute a separate offense and shall be punishable as such.

SECTION 9. Section 12.80.635 is hereby added to read as follows:

12.80.635 Administrative fines.

The amount of an administrative fine imposed pursuant to Chapter 1.25 of this code for delinquent fees, as described in Section 12.80.780, shall be ten percent of the delinquent amount for each month, or any portion thereof, that the fees are delinquent.

For any other violation of this chapter, the amount of an administrative fine shall not exceed \$100.00 for the first violation, \$200.00 for the second violation of the same provision of this chapter within one year after the first violation, and \$500.00 for each additional violation of the same provision of this chapter within one year after the first violation.

SECTION 10. Part 6 is hereby added to Chapter 12.80 to read as follows:

Part 6

**REGISTRATION AND INSPECTION OF
INDUSTRIAL/COMMERCIAL FACILITIES**

12.80.700 Purpose.

The purpose of this Part 6 is to implement pollutant reduction and control measures at certain industrial/commercial facilities, as may be required by a NPDES municipal stormwater permit governing county unincorporated areas. An inventory of all registered industrial/commercial facilities will be maintained by the director for the purpose of tracking and inspecting facilities that are critical sources of stormwater pollution. The director will issue a certificate of inspection to each registered facility that has been inspected and determined by the director to be in compliance with this chapter and with any applicable requirements of a NPDES municipal stormwater permit.

12.80.710 Applicability.

The provisions of this Part 6 shall apply to the following facilities, if such facilities are located in any county unincorporated area that is covered by a NPDES municipal stormwater permit requiring tracking and inspection of facilities that are critical sources of stormwater pollution:

- A. The following commercial facilities:
 - 1. Restaurant facilities;
 - 2. Automotive service facilities;
 - 3. Automotive dealerships; and
 - 4. Retail gasoline outlets.
- B. The following industrial facilities:
 - 1. Wholesale trade (scrap, auto dismantling);
 - 2. Fabricated metal products;
 - 3. Motor freight;
 - 4. Chemical/allied products;
 - 5. Primary metals products.;
 - 6. Electric/gas/sanitary;
 - 7. Air transportation;
 - 8. Rubbers/miscellaneous plastics;
 - 9. Local/suburban transit;

10. Railroad transportation;
11. Oil and gas extraction;
12. Lumber/wood products;
13. Machinery manufacturing;
14. Transportation equipment;
15. Stone, clay, glass, concrete;
16. Leather/leather products;
17. Miscellaneous manufacturing;
18. Food and kindred products;
19. Mining of nonmetallic minerals;
20. Printing and publishing;
21. Electric/electronic;
22. Paper and allied products;
23. Furniture and fixtures;
24. Laundries;
25. Instruments;
26. Textile mills products; and
27. Apparel.

C. The following facilities:

1. Municipal landfills;
2. Hazardous waste treatment, disposal or recovery facilities; and

3. Facilities subject to the Superfund Amendments and Reauthorization Act of 1986, Title III (also known as the Emergency Planning and Community Right-to-Know Act).

12.80.720 Registration required.

A. Within 30 days after the effective date of the ordinance codified in this Part 6 or such later time as may be established by the director, or within 30 days after commencing business, whichever is later, the owner or operator of any facility described in Section 12.80.710 shall register the facility with the director.

B. The director will provide printed registration application forms, indicating thereon the information to be furnished. The director may authorize electronic submittal of registration applications in a manner consistent with county policy in lieu of the printed application forms.

C. The registration application shall contain the following information:

1. Name and address of the facility to be registered;
2. Name and address of the owner(s) of the facility;
3. Name and address of the operator of the facility, if different from the owner;
4. Name and address of the applicant and evidence that the applicant is the owner of the facility or has written permission of the owner or owners to submit the application;

5. Whether the discharge of stormwater runoff from the facility is authorized by and subject to the requirements of a GIASP or other NPDES permit or is exempt or conditionally excluded from GIASP requirements by the state board;

6. A narrative description, including any applicable Standard Industrial Classification (SIC), that best reflects the industrial/commercial activities and principal products produced at the facility;

7. The name and address of all representatives authorized by the owner or operator of the facility to receive any notice pertaining to this chapter; and

8. Such other information as the director may require.

D. The registration application must be accompanied by the registration fee and the first annual certificate fee in the amounts set forth in Section 12.80.780. The registration fee and first annual certificate fee are non-refundable, with the exception of facilities determined to be exempt pursuant to Section 12.80.730 within one year after the fees were paid, where the director determines that the facility met the requirements of subsection A, B, C, or D of Section 12.80.730 at the time the fees were paid.

E. Upon the submittal of all information and fees required by this section to the satisfaction of the director, the facility will be registered.

F. The director must be notified in writing within five business days of any changes in the information contained in the registration application or otherwise submitted to the director for a registered facility.

G. A new registration application must be submitted within 30 days for any changes in the industrial/commercial activities or principal products produced at the

facility or in the location or ownership of the facility unless the director determines that a new application is not necessary.

H. Notwithstanding the provisions of subsection A above, no registration is required for a facility that is exempt from registration pursuant to Section 12.80.730.

12.80.730 Exempt facilities.

A facility is not required to be registered in accordance with Section 12.80.720 if the director determines that:

A. The facility is described in Section 12.80.710, but the manufacturing, storage, packaging, transportation or other primary activities upon which the classification is based do not take place at the facility or on any contiguous property, and the facility does not have the potential to contribute pollutants to any stormwater runoff that is discharged from the facility;

B. The facility is included within another facility that is registered and for which a certificate of inspection is in full force and effect;

C. The discharge of stormwater runoff from the facility is authorized by and subject to the requirements of a Small Municipal Separate Storm Water Sewer System (Phase II) NPDES permit or a site-specific NPDES permit incorporating stormwater runoff requirements; or

D. The owner or operator of the facility is required by a NPDES municipal stormwater permit to implement a public agency activities program to minimize stormwater pollution impacts from its activities.

12.80.740 Certificate of inspection – issuance by the director.

A. When the director has inspected a registered facility, or has caused the facility to be inspected, and the director has determined that the facility is in compliance with this chapter and with any applicable requirements of a NPDES municipal stormwater permit and that all applicable fees as set forth in Section 12.80.780 have been paid, the director will issue a certificate of inspection to the registered facility. The certificate may contain conditions and limitations appropriate to meet the objectives of this chapter.

B. A copy of the certificate must be maintained at the facility and made available upon request to the director and any interested persons.

C. The certificate will expire one year from the date of its issuance unless extended by the director. The director will issue a new certificate of inspection upon a determination that the requirements of subsection A of this section have been satisfied, including payment of a new annual certificate fee in the amount set forth in Section 12.80.780.

12.80.750 Certificate of inspection – suspension or revocation.

The director may suspend or revoke any certificate of inspection upon a determination that: (1) the certificate was issued in error; (2) the certificate was issued on the basis of incorrect information contained in the registration application or otherwise submitted to the director for a registered facility; (3) the facility is in violation of

a condition or limitation contained in the certificate; or (4) an inspection discloses a violation of this chapter or of any applicable requirement of a NPDES municipal stormwater permit.

12.80.760 Certificate of inspection - termination.

A certificate of inspection will terminate upon either of the following events:

A. A determination by the director that the use for which the certificate was issued has ceased and all materials that may contribute pollutants to stormwater runoff have been removed from the site;

B. Any change requiring the submittal of a new registration application as provided in subsection G of Section 12.80.720. A certificate of inspection is not transferable from one location to another location.

12.80.770 Service fees.

The director will charge and collect fees in the amounts set forth in Section 12.80.780 for the following services, payable in advance except as otherwise provided in this section:

A. Inspection of a facility outside normal business hours at the request of the owner or operator of the facility.

B. Sampling and analysis of stormwater runoff from a facility, performed by or on behalf of the director, at the request of the owner or operator of the facility. The director may require advance payment of estimated laboratory analysis costs with the balance billed or refunded as applicable; provided, however, that the results of the laboratory analysis will not be released until any balance billed has been paid.

12.80.780 Fee schedule.

A. The schedule of fees required to be paid for services and activities provided under this Part 6 is as follows:

<u>Fee</u>	<u>Amount</u>
Registration fee	\$40.00
Annual certificate fee for restaurant facilities qualifying pursuant to subsection A of Section 12.80.790	\$97.00
Annual certificate fee for facilities qualifying pursuant to subsection B of Section 12.80.790	\$147.00
Annual certificate fee for facilities qualifying pursuant to subsection C of Section 12.80.790	no fee
Annual certificate fee for all other registered facilities	\$179.00
Requested inspection outside of normal business hours, per hour	\$204.00
Requested stormwater sampling and analysis fee	\$260.00 plus laboratory analysis costs

B. Except for the first annual certificate fee, which is required with the submittal of a registration application, the annual certificate fee shall be due and payable annually prior to the yearly anniversary date of the issuance of the certificate. Any fee not paid within 30 calendar days after it is due and payable shall be considered delinquent.

12.80.790 Credit for overlapping inspection programs.

A. A reduced annual certificate fee for qualifying restaurant facilities as provided in Section 12.80.780 will apply to any restaurant facility that has a valid public health license issued in accordance with Chapter 8.04 of this code and is subject to inspection by the county health officer.

B. A reduced annual certificate fee as provided in Section 12.80.780 will apply to any facility, except a restaurant facility, for which (1) a hazardous materials underground storage tank permit has been issued pursuant to Chapter 11.80 of this code and is in full force and effect, or (2) an industrial waste disposal permit has been issued pursuant to Chapter 20.36 of this code and is in full force and effect, including an industrial waste disposal permit issued for the maintenance of BMP facilities.

C. No annual certificate fee is required where the discharge of stormwater runoff from the facility is authorized by and subject to the requirements of a GIASP, or the facility is exempt or conditionally excluded from GIASP requirements by the state board.

12.80.800 Annual review of fees.

Beginning on July 1, 2007, and thereafter on each succeeding July 1, the amount of each fee in Section 12.80.780 shall be adjusted by the increase, if any, in the Consumer Price Index (CPI) for all urban consumers in the Los Angeles–Riverside–Orange County area, as published by the United States Government Bureau of Labor Statistics, from April of the previous calendar year through March of the current calendar year, and the adjusted fee shall be rounded to the nearest dollar; provided, however, that no fee shall exceed the reasonable cost of providing the service for which the fee is collected, as confirmed by the Auditor-Controller.

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